

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 1:11CR530
	)	
WILLIAM COLE,	)	
	)	
Defendant.	)	

GOVERNMENT'S OPPOSITION TO  
DEFENDANT'S MOTION IN *LIMINE*

The defendant has filed a motion in *limine* seeking to exclude evidence he anticipates the government will seek to introduce as 404(b) evidence at trial. The government opposes that motion at this time because it is premature. The Discovery Order entered by this Court on December 2, 2011, provides that the government shall have until seven days before trial to provide notice to the defendant, in accordance with Fed. R. Evid. 404(b), of the general nature of any evidence of other crimes, wrongs, or acts of the defendant the government intends to introduce at trial. (Docket Entry #27 at page 4). The government has not yet provided such notice to the defendant as it is still evaluating the evidence of other crimes, wrongs, and acts of the defendant.

Only after the government determines what evidence, if any, it will seek to introduce pursuant to Fed. R. Evid. 404(b) and provides notice to the defendant of

its intent to use such evidence at trial will the defendant's motion in *limine* be ripe for this Court's consideration.

Accordingly, the government respectfully requests that this Court deny the defendant's motion in *limine* as moot. The defendant will, of course, have the opportunity to file another motion in *limine* if and when the government, within the time afforded by the Court's Discovery Order, provides notice of its intent to use 404(b) evidence at trial.

Respectfully Submitted,

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Certificate of Service

I certify that on this 17th day of January, 2012, I electronically filed the foregoing Government's Opposition to Defendant's Motion in *Limine* with the Clerk of the Court using the CM/ECF system, and sent a copy *via* electronic mail to the following:

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